



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
ENVIRONMENTAL CLEANUP

DEC 24 2009

**GENERAL NOTICE LETTER**  
**URGENT LEGAL MATTER**  
**PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

Commanding Officer  
Naval Base Kitsap  
120 South Dewey Street  
Bremerton, Washington  
98314

Re: General Notice Letter for the Gorst Creek Landfill in Port Orchard, Kitsap County,  
Washington

Dear Commanding Officer:

Under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency ("EPA") is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment. EPA has documented that such a release has occurred, and that there is a continued threat of release at the Gorst Creek Landfill Site ("the Site") located in Port Orchard, Kitsap County, Washington. Based on information presently available, EPA has determined that the Navy may be responsible under CERCLA for cleanup of the Site or costs EPA incurs in cleaning up the Site.

**Site Background**

The Site is located on State Highway 3 approximately 6 miles south-southwest of Bremerton. The unlined landfill operated from the 1960s until 1989 when it was shut down by the Kitsap County Health Department. The landfill was created by filling Gorst Creek Ravine – a feature estimated to be 300 to 400 feet wide at its top, 700 feet long, and 50 to 60 feet deep – with approximately 150,000 cubic yards of waste material consisting primarily of construction and industrial debris. A 24-inch corrugated steel culvert was placed at the bottom of the ravine to allow passage of the seasonal Gorst Creek through the landfill. Based on an Integrated Assessment completed in June 2004, potential contaminants of concern at the Site include chlorinated pesticides, polychlorinated biphenyls, metals, semivolatile organic compounds and volatile organic compounds.

In 1997, after significant rainfall, Gorst Creek backed up behind the culvert entrance and flooded through and across the surface of the landfill. The flooding caused the northwest slope of the landfill to fail and wash into Gorst Creek. The washout carried exposed landfill debris more than half a mile downstream. Following the washout, two rip rap catchment berms with culverts were installed in an attempt to stop future slope failures. However, after heavy rainfall in January 2002, Gorst Creek again backed up and flooded over the landfill, resulting in a second slope failure and the destruction of the upper catchment berm.

The flow of Gorst Creek through the culvert is currently impeded due to damage to the culvert approximately 250 feet downstream from the entrance. During periods of precipitation, the damaged culvert may contribute to landfill instability as water pools at the entrance to the culvert; creating conditions that could lead to flooding, infiltration of water to the landfill, slope failure, and/or the dispersal of waste material, including a threat of release of hazardous substances.

### **Explanation of Potential Liability**

Under CERCLA Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment, or may be responsible for costs incurred by EPA in cleaning up the Site. PRPs include current and former owners and operators of a Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

EPA believes that the Navy may be liable under Section 107(a) of CERCLA with respect to the Gorst Creek Landfill Site as an arranger, who by contract or agreement, arranged for the disposal, treatment or transportation of hazardous substances at or to the Site. Specifically, EPA has information relating to a contract between the Navy and Ames Auto Wrecking, Inc. to dispose of industrial trash, garbage, timber and logs, oils, tars, and chemicals generated at the Puget Sound Naval Shipyard in Bremerton, Washington.

### **Completed Site Work**

In August 2002, Kitsap County Health Department petitioned EPA to place the Site on the National Priorities List. In response to the petition EPA conducted a ranking of the Site followed by an Integrated Assessment completed in June 2004. Based on this assessment and other considerations, EPA has determined that a response action is necessary to address threats posed by current Site conditions.

To date, the Navy has already taken the following actions at the Site:

- an evaluation of Site conditions conducted for the Navy by Foster Wheeler Environmental Corporation (1997);
- an interim action implemented by the Navy and Washington State Department of Transportation to stabilize a slide of the landfill slope, and to remove the waste material

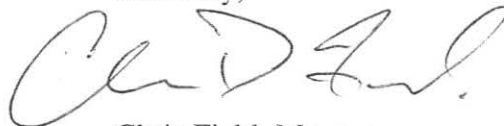
- that the slide carried into Gorst Creek (1998);
- a review of site conditions and interim action alternatives prepared for the Navy by Foster Wheeler Environmental Corporation (1999); and
- a site hazard assessment prepared for the Navy by Hart Crowser (2000)

Notwithstanding the above referenced work, little progress has been made to remedy or mitigate the Site conditions that present a danger to public health, welfare and the environment. In a letter to the Washington Department of Ecology (Ecology) dated August 23, 2000, the Navy expressed its willingness to conduct a focused remedial investigation and feasibility study and to initiate a remedy at the Site. A disagreement between the Navy and Ecology concerning the anticipated future use of the Site apparently deterred the Navy from pursuing additional action at the Site. A copy of the Navy's letter to Ecology is enclosed.

EPA requests that the Navy recommence its efforts to select and implement a remedy at the Site. Specifically, we ask that the Navy enter into an Administrative Order on Consent with EPA to prepare an engineering evaluation/cost analysis or its equivalent, and to implement a non-time critical removal action. To initiate such efforts we propose a meeting with representatives from the Navy to discuss the planning, coordination and implementation of the removal action.

If you have any questions regarding this letter, or wish to provide a response or arrange a meeting with EPA personnel, please contact Jeff Rodin of the Environmental Cleanup Office at (206) 553-6709. For legal matters please contact Alex Fidis of the Office of Regional Counsel at (206) 553-4710. Thank you for your prompt attention to this matter.

Sincerely,



Chris Field, Manager  
Emergency Response Unit  
EPA Region 10

Enclosures:

Department of Navy Response to Comments on Draft Hazard Assessment Letter (Aug. 23 2000)

cc:

Commanding Officer, Naval Facilities Engineering Command Northwest  
Bob Maher, Assistant Section Chief, U.S. DOJ Environmental Enforcement Section  
Russell Young, Assistant Section Chief, U.S. DOJ Environmental Defense Section





DEPARTMENT OF THE NAVY  
ENGINEERING FIELD ACTIVITY, NORTHWEST  
NAVAL FACILITIES ENGINEERING COMMAND  
19917 7TH AVENUE N.E.  
POULSBORO, WASHINGTON 98370-7570

23 August 2000

To: Mr. Peter Brooks  
State of Washington  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

**Regarding: Response to Comments on Draft Site Hazard Assessment  
Gorst Landfill a.k.a. Bremerton Auto Wrecking Yard Landfill**

**Attention: Mr. Brooks**

Attached please find the Navy's response to comments on the above referenced assessment. The Navy's responses were prepared by HartCrowser in response to comments received from Ecology, Suquamish Tribe and the Bremerton Kitsap County Health Department.

In previous discussions regarding this site, Ecology had agreed to take a number of actions including ranking the site. At this juncture, it appears that Ecology no longer intends to take the agreed upon actions.

At present, the Navy intends to proceed with a focused remedial investigation/feasibility study and to initiate a presumptive remedy at the site. However, as demonstrated by the comments received, a fundamental and threshold issue regarding the site is present and future reasonably anticipated use of the property and thus the proper criteria to apply to surface soils and other environmental media. After your review of the Navy's responses, I suggest we meet to discuss this issue. If this issue is resolved satisfactorily, we can then proceed to reach consensus on a management plan for the RI/FS.

I look forward to hearing from you after you have reviewed the Navy's responses.

A handwritten signature in cursive script, reading "Larry J. Tucker", is positioned above the typed name.

Larry J. Tucker  
Remedial Project Manager  
By direction of the  
Commanding Officer